

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on February 15, 2007 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 534, HB 590, HB 629, HB 632, HB 636, 2/8/2007
Executive Action: HB 534

HEARING ON HB 534

Opening Statement by Sponsor:

00:02:15 Rep. Ron Erickson (D), HD 93, opened the hearing on HB 534, Motorcycle helmet law.

[EXHIBIT\(juh34a01\)](#)

[EXHIBIT\(juh34a02\)](#)

Proponents' Testimony:

00:06:46 Rep. Betsy Hands

00:15:43 Jim Kembel, Montana Association of Chiefs of Police

00:16:20 Mike Foster, Sisters of Charity Hospitals, ST. Vincent Healthcare, St. James Healthcare, Holy Rosary Healthcare, Wheatland Memorial Hospital

[EXHIBIT\(juh34a03\)](#)

00:20:13 Anita Rossman, Montana Advocacy Program, Montana Brain Injury Association

00:21:53 Barbara Schneeman, Yellowstone City-County Health Department

00:24:31 Jani McCall, Billings Clinic

00:26:33 Steve Yeakel, Montana Council for Maternal and Child Health

00:28:35 Beda Lovitt, Montana Medical Association

00:30:05 Jim Ahrens, Montana Hospital Association

01:10:51 Todd Harwell, Chronic Disease Health Bureau, Department of Health and Human Services, State of Montana

Exhibits Mailed or Faxed in Support of HB 534:

[EXHIBIT\(juh34a04\)](#)

[EXHIBIT\(juh34a05\)](#)

Opponents' Testimony:

00:30:50 Dal Smilie, Chairman, American Motorcycle Association, Montana Motorcycle Safety Advisory Association

[EXHIBIT\(juh34a06\)](#)

[EXHIBIT\(juh34a07\)](#)

00:36:59 Sen. John Bruggeman, SD, 6

00:40:25 Jill Z. Smith, American Bikers Aiming Toward Education, (ABATE)

[EXHIBIT\(juh34a08\)](#)

00:44:00 Romana Ennis, Great Falls Trail Bike Riders Association, Montana Trail Riders

00:44:48 Linda Baldwin, Secretary, Montana Bikers Association

[EXHIBIT\(juh34a09\)](#)

00:50:08 Jackie Williams, self

[EXHIBIT\(juh34a10\)](#)

00:50:55 Jeff, Whorl, Motorcycle Shop Owner

00:51:41 Paul Williams, self

00:52:08 Tim Marr, self

00:52:53 Loretta Miller, self

[EXHIBIT\(juh34a11\)](#)

00:54:11 Ralph Elrod, Former Emergency Medical Technician

00:56:44 Dave Johnson, self

00:57:35 Richard Looby, self

00:59:02 Mike Ortloff, Motorcycle Shop Owner

01:00:42 Michael Smith, self

[EXHIBIT\(juh34a12\)](#)

01:01:12 Dennis Miller, self

01:02:38 Albert Jensen, self

[EXHIBIT\(juh34a13\)](#)

01:03:49 Richard Palmer, self

01:03:57 Clay Hickman, self

01:04:12 Mike Meredith, self

01:05:32 Time expired for Opponents; Opponents were allowed

01:07:49 to state their name and opposition

Exhibits Mailed or Faxed in Opposition of HB 534:

[EXHIBIT\(juh34a14\)](#)

[EXHIBIT\(juh34a15\)](#)

Informational Testimony:

01:07:53 Mr. Harwell testified at the hearing on HB 534 as an
Informational witness; Chairman Rice deemed him to a
Proponent witness.

[EXHIBIT\(juh34a16\)](#)

Additional Exhibits HB 534:

[EXHIBIT\(juh34a17\)](#)

[EXHIBIT\(juh34a18\)](#)

Questions from Committee Members and Responses:

01:09:54 Rep. Kottel

01:10:30 Mr. Smilie

01:17:22 Rep. Gallik

01:18:05 Mr. Meredith

01:19:47 Mr. Smilie

01:22:06 Mr. Foster

01:24:13 Rep. Everett

01:24:33 Mr. Foster

Closing by Sponsor:

01:25:02 Rep. Erickson

EXECUTIVE ACTION ON HB 534

01:28:50 **Motion:** Rep. Stoker moved that **HB 534 DO PASS.**

01:29:23 **Motion:** Rep. Gallik moved that **HB 534 BE AMENDED** with a **CONCEPTUAL AMENDMENT** for Page 2, Line 1, to insert "...unless that person has proof of insurance of not less than \$1 million dollars...."

01:30:01 **Substitute Motion:** Rep. Gallik made a substitute motion that **HB 534 BE AMENDED** with a **CONCEPTUAL AMENDMENT** for Page 2, Line 1, to insert "...unless that person has proof of insurance of not less than \$100 thousand dollars."

Discussion

01:30:29 Rep. French

01:30:38 Rep. Gallik

01:32:30 Rep. Driscoll

01:33:09 Rep. Rice

01:33:35 Rep. Ward

01:33:40 Rep. Gallik

01:34:08 **Vote:** Motion that **HB 534 BE AMENDED** failed 8-9 by roll call vote with Reps. Gallik, French, Raser, Cordier, Peterson, O'Hara, Kottel, and Ebinger voting aye. Rep. Koopman voted by proxy.

Discussion:

01:35:12 Rep. Everett

01:35:37 **Motion/Vote:** Rep. Driscoll moved that **HB 534 BE AMENDED** with a **CONCEPTUAL AMENDMENT** for Page 2, Line 1, insert "...a DOT approved or Schell Helmut." Motion carried 9-8 by roll call vote with Reps. Stoker,

Everett, Koopman, Kerns, McGillvray, Ward, Jore, and Rice voting no. Rep. Koopman voted by proxy.

01:37:33 **Motion:** Rep. Stoker moved that **HB 534 DO PASS AS AMENDED.**

01:37:41 **Motion/Vote:** Rep. Gallik moved that **HB 534 BE AMENDED** with a **CONCEPTUAL AMENDMENT** to insert on Page 2, Line 11, "...not...." Motion failed by roll call vote 8-9 with Reps. Gallik, French, Raser, Cordier, Driscoll, O'Hara, Kottel, and Ebinger voting aye.

Discussion:

01:39:14 Rep. Raser
01:39:26 Rep. Gallik

01:40:12 **Substitute/Motion/Vote:** Rep. Everett moved that **HB 534 BE TABLED.** Motion carried 15-2 by roll call vote with Reps. Driscoll and Peterson voting no. Rep. Koopman voted by proxy.

01:40:50 Break
01:49:31__Reconvene

HEARING ON HB 629

Opening Statement by Sponsor:

01:49:48 Rep. Robin Hamilton (D), HD 92, opened the hearing on HB 629, Mediation for criminal proceedings.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:53:54 Rep. French
01:54:20 Rep. Hamilton
01:54:36 Rep. Stoker
01:54:55 Rep. Hamilton
01:56:16 Rep. Cordier
01:56:42 Rep. Hamilton
01:56:58 Rep. Jore
01:58:24 Rep. Hamilton
02:00:19 Rep. Peterson

02:01:02 Rep. Hamilton
02:02:13 Rep. Stoker
02:02:30 Rep. Hamilton
02:02:46 Rep. Gallik
02:03:50 Rep. Hamilton
02:05:01 Rep. Kottel
02:06:05 Rep. Hamilton
02:06:57 Rep. Peterson
02:07:26 Rep. Hamilton

Closing by Sponsor:

02:07:46 Rep. Hamilton

(Rep. Koopman enters room.)

HEARING ON HB 636

Opening Statement by Sponsor:

02:09:38 Rep. Norma Bixby (D), HD 41, opened the hearing on HB 636, Prohibit quotas in evaluating law enforcement officers.

[EXHIBIT\(juh34a19\)](#)

[EXHIBIT\(juh34a20\)](#)

Proponents' Testimony:

02:24:24 Kathleen Burrage, self

Opponents' Testimony:

02:25:13 Pam Bucy, Assistant Attorney General, Department of Justice, State of Montana

[EXHIBIT\(juh34a21\)](#)

02:36:26 Jim Kembel, Montana Association of Chiefs of Police

Informational Testimony: None

Questions from Committee Members and Responses:

02:37:34 Rep. French
02:38:29 Ms. Bucy
02:44:02 Rep. Stoker
02:45:25 Paul Grimstad, Colonel, Montana Highway Patrol, State of Montana
02:46:41 Rep. Everett
02:47:00 Col. Grimstad
02:48:32 Rep. Koopman

02:50:21 Col. Grimstad
02:53:27 Rep. Peterson
02:53:57 Ms. Bucy
02:54:57 Rep. Peterson
02:55:36 Rep. Bixby
02:55:47 Rep. McGillvray
02:56:45 Ms. Bucy

Closing by Sponsor:

02:57:06 Rep. Bixby

HEARING ON HB 590

Opening Statement by Sponsor:

03:03:22 Rep. George Everett (R), HD 5, opened the hearing on HB 590, Revise requirements for growth policy.

[EXHIBIT\(juh34a22\)](#)

Proponents' Testimony:

03:05:22 Jeff Larson, Former Chairman, Flathead County Planning Board
03:13:04 Russell Crowder, Flathead County Zoning Regulation Review Board, American Dream Montana
03:18:48 Charles Lapp, Flathead County Planning Board
03:23:49 Dick Skees, self
03:28:16 Michael Harris, Gallatin County Liaison
03:29:01 Rich Breckenridge, self

Opponents' Testimony:

03:30:39 Linda Stoll, Missoula County, Montana Association of County Planners

Informational Testimony: None

Questions from Committee Members and Responses:

03:35:59 Rep. Driscoll
03:37:12 Mr. Larson
03:39:28 Rep. Stoker
03:40:04 Ms. Stoll
03:42:39 Rep. Jore
03:43:46 Ms. Stoll
03:46:52 Rep. Koopman
03:48:08 Mr. Larson
03:49:39 Mr. Skees

03:55:09 Rep. Raser

03:56:03 Mr. Larson

03:57:15 Ms. Stoll

Closing by Sponsor:

03:58:41 Rep. Everett

HEARING ON HB 630

Opening Statement by Sponsor:

03:59:25 Rep. Dave Gallik (D), HD 79, opened the hearing on HB 630, Restrict internet phishing.

Proponents' Testimony:

04:00:59 Pam Bucy, Assistant Attorney General, Department of Justice, State of Montana

04:04:17 Claudia Clifford, AARP, Montana

Opponents' Testimony: None

Informational Testimony:

04:06:21 Steve Bender, Deputy Chief Information Officer, Information Technology Services Division, Department of Administration, State of Montana

Questions from Committee Members and Responses:

04:07:32 Rep. Stoker

04:08:12 David Niss, Legislative Staffer

04:08:26 Ms. Bucy

Closing by Sponsor:

04:09:44 Rep. Gallik

ADJOURNMENT

Adjournment: 12:11 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh34aad.pdf](#))